



28 JUL 2006

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In re Application of :
HACKER et al. :
U.S. Application No. 10/520,252 : DECISION ON PETITION
PCT No.: PCT/US02/26276 : UNDER 37 CFR 1.47(a)
It. Filing Date: 15 August 2002 :
Priority Date: None :
Attorney Docket No.: 7210332001-3221000 :
For: NANOPOROUS MATERIALS AND :
METHODS OF FORMATION THEREOF :

This decision is in response to applicant's "Renewed Petition under 37 CFR 1.47(a)" filed 22 June 2006. In a decision dated 17 January 2006, applicant's petition under 37 CFR 1.47(a) to accept the application without the signature of inventor, Scott Lefferts, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 22 June 2006, with the present renewed petition was executed by the named inventor, the previous non-signing inventor, Scott Lefferts.

However, the declaration filed on 22 June 2006, executed by Scott Lefferts, is defective and is insufficient to satisfy the oath or declaration requirement of 35 CFR 371(c)(4) for entry into the national stage in the United States of America. Specifically, the declaration submitted includes an alteration that has not been initialed and dated by the inventor. (See MPEP §605.04(a) and 37 CFR 1.52(c)) Further, it appears that the declaration has been altered to correct Scott Lefferts' last name. If this is the case, an explanation pursuant to Manual of Patent Examining Procedure §201.03 or §605.04(a) is required.

CONCLUSION

For the reasons above; the renewed petition under 37 CFR 1.47(a) is DISMISSED as MOOT.

A proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). A proper response must include: 1) a newly executed declaration (by Scott Lefferts) in compliance with 37 CFR 1.497(a)-(b) and 2) an explanation pursuant to Manual of Patent Examining Procedure §201.03 or §605.04(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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